

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Petition of Entergy Nuclear Vermont Yankee, LLC, and )  
Entergy Nuclear Operations, Inc., for a certificate of public )  
good authorizing the construction of a second independent )  
spent fuel storage installation storage pad and related )  
improvements, including installation of a new diesel generator )  
with an electrical rating of approximately 200kW, at the )  
Vermont Yankee Nuclear Power Station in the Town of )  
Vernon, Vermont )

April 29, 2015  
Docket 8300

**NEW ENGLAND COALITION, INC.'S PETITION FOR LEAVE TO INTERVENE**

Pursuant to Public Service Board Rule 2.209, New England Coalition, Inc. dba, New England Coalition on Nuclear Pollution (“NEC”), through its duly appointed pro se representative respectfully requests the Vermont Public Service Board's leave to intervene in the above-captioned matter.

**I. PETITION**

In accord with Board Rule 2.209(A), NEC satisfies the conditions for intervention as of right, and, in the alternative, in accord with Board Rule 2.209(B) NEC satisfies the conditions for permissive intervention.<sup>1</sup>

A. NEC has a substantial interest in the outcome of this proceeding.

NEC is a Vermont not-for-profit corporation (formerly the New England Coalition on Nuclear Pollution) with headquarters and property within the (10-mile radius) Vermont Yankee Emergency Planning Zone. Since 1971, NEC’s purpose has been to advocate for more effective regulation of existing nuclear steam-electric plants, better environmental protection and stewardship of natural

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<sup>1</sup> **Board Rule 2.209(A)** provides that the Public Service Board (“the Board”) shall grant intervention as of right upon an applicant’s demonstration: (1) of a substantial interest which may be adversely affected by the outcome of the proceeding; (2) that the proceeding affords the exclusive means by which the applicant can protect that interest; and (3) that the applicant’s interest is not adequately represented by existing parties.

**Board Rule 2.209(B)** provides that the Board may grant permissive intervention when an applicant demonstrates a substantial interest in the outcome of the proceeding. In the exercise of its discretion, the Board is to consider: (1) whether the applicant’s interest will be adequately protected by other parties; (2) whether alternatives exist by which the applicant’s interest can be protected; and (3) whether intervention will unduly delay the proceeding or prejudice the interests of existing parties or of the public.

resources within the affected vicinity of nuclear steam-electric plants; and the development of sustainable energy alternatives to nuclear power. NEC and numerous of its members with homes and businesses in Vermont Yankee's immediate vicinity are electric customers in Vermont and thus their concrete and particularized interests will therefore be directly affected by this proceeding.

On behalf of its members, NEC is interested in a comprehensive evaluation of all information concerning the proposed projects (ISFSI, generator, etc.), as to siting, appropriate land use, siting alternatives, design and civil engineering, construction quality control, durability, maintenance, financing of construction and maintenance, potential transfer of ownership, and the applicant's long-term commitment to stewardship of the facility; especially as the forgoing considerations may promptly or eventually affect the local environment, Vermont Yankee property reuse, regional planning and development, and aesthetics.

These concerns are exacerbated by the fact the context in which these proposals are brought forward has shifted markedly since the Board approved a similar ISFSI pad in Docket 7082.

1. Vermont Yankee has been permanently closed terminating its sales revenue.
2. T. Michael Twomey, who testified on behalf of Entergy Nuclear Operations in Docket 7862, has publically acknowledged the possibility that Entergy Vermont Yankee may not have enough money to complete decommissioning and/or site restoration in 60 years and further stated that lawsuits involving the state and former owner Vermont utilities may result.<sup>2</sup>
3. USNRC, under Federal Court order to rewrite its Waste Confidence Rule, has issued a Long Term Waste Storage Rule that considers what stewardship strategies for ISFSIs may be if a permanent national waste repository never opens. NRC states that it may be necessary after a hundred years to repack spent fuel into new canisters [and perhaps necessary to cast new

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<sup>2</sup>

**Entergy: Yankee costs not covered past 60 years,**

<http://www.timesargus.com/article/20150212/NEWS03/702129900>, February 12, 2015

**Entergy official: No money worries for Yankee cleanup**

<http://rutlandherald.com/article/20150228/NEWS03/702289962/1004>, February 28, 2015

concrete over-packs and storage pads] requiring the on-site construction of fuel transfer facilities.

These three considerations provide an entirely new context in which to consider the usual V.S.A. 30 Section 248 criteria as well as the individual considerations of the duration of Entergy's tenancy, fiscal and stewardship responsibility into the 23<sup>rd</sup> century CE, the potential necessity (per NRC) of building fuel handling and transfer facilities a hundred years hence, the new storage facility's effects on regional development, site reuse, site aesthetics, etc.

Additionally of concern, there is precedent for transferring ownership and license of waste sites to companies formed for the purpose – as at Trojan and Zion NPP's. Who is to say that Entergy will not contrive a way to dump its ownership and all of its liabilities the day after it is done with the Vermont Public Service Board? NEC is convinced of the unparalleled importance of getting this (potentially) one last state regulatory opportunity to protect its interests, and those of its members, as right as it can be gotten. Thus NEC is eager to participate in the Board's review of the above captioned application. NEC's interest in, and ability to contribute to, the Board's consideration of similar Vermont Yankee matters is well established through NEC's admittance and participation in recent years as an intervener in Public Service Board Dockets 6545, 6812, 6812-A, 6976, 7082, 7195, 7440, 7600 and 7862.

**B. NEC can protect its interest only by participation in this proceeding, and NEC's interest is not fully represented by the Department of Public Service.**

NEC can protect its above-stated interests only by participating in this proceeding – there is no alternate forum. While NEC's interests and those of its members who purchase electricity in Vermont are aligned with those of the Department of Public Service (DPS), NEC and the DPS have in the past taken differing positions regarding the adequacy and implications of analysis of Vermont Yankee issues, and concerning appropriate mitigation of the impacts of various issues taken up. *See*, Public Service Docket 6976. NEC brings a different perspective and substantial expertise to these

issues, which it respectfully requests that the Board consider.

C. NEC's participation will not unduly delay the proceeding or prejudice the interests of existing parties or of the public.

NEC's participation will not prejudice the interests of existing parties or the public.


NEC does not oppose dry cask storage, the underlying purpose of the application considered in this docket. In fact NEC is eager to see the waste fuel assemblies transferred from the spent fuel pool into dry casks. NEC supports doing this as soon as practicably possible, though not at the expense of a complete review of the evidence.

Thus NEC's participation will not intentionally delay the proceeding. Further, NEC is generally amenable to the target dates for final technical hearings, briefs, and decision agreed upon as of April 28, 2015 by the parties in this proceeding.

For all of the good reasons above, NEC's petition to intervene should be granted.

Dated at Brattleboro, Vermont this 29th day of April, 2015.

New England Coalition, Inc.

By 

Clay Turnbull  
Duly Appointed *Pro Se* Representative,

Trustee and Employee

Cc: Service List

PSB Docket No. 8300 Service List

Aaron Kisicki, Esq.  
Vermont Department of Public Service  
112 State Street  
Montpelier, VT 05620-2601

Matthew B. Byrne, Esq.  
Matthew S. Stern, Esq.  
Gravel and Shea PC  
76 St. Paul Street, 7<sup>th</sup> Floor,  
P.O. Box 369  
Burlington, VT 05402-0369

(For Entergy Nuclear Vermont Yankee,  
LLC and Entergy Nuclear Operations,  
Inc.)

John H. Marshall, Esq.  
Nancy S. Malmquist, Esq.  
Downs Rachlin Martin PLLC  
90 Prospect Street,  
P.O. Box 99  
St. Johnsbury, VT 05819-0099

(For Entergy Nuclear Vermont Yankee,  
LLC and Entergy Nuclear Operations,  
Inc.)

Leslie A. Cadwell, Esq.  
Legal Counselor & Advocate, PLC  
751 Frisbie Hill Road  
Castleton, VT 05735

(For Entergy Nuclear Vermont Yankee,  
LLC and Entergy Nuclear Operations,  
Inc.)

Judith L. Dillon, Esq.  
Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901

Christopher Company  
Executive Director  
Windham Regional Commission  
139 Main St., Suite 505  
Brattleboro, VT 05301

Clay Turnbull, *pro se*  
New England Coalition  
PO Box 545  
Brattleboro, VT 05302-0545

Raymond Shadis  
PO Box 76  
Edgecomb, ME 04556)